

**APPLICATION FOR REZONING PETITION - CITY OF TERRE HAUTE****SPECIAL ORDINANCE NO. 13**

COMMON ADDRESS OF LOTS TO BE REZONED:

333-339 N. 16<sup>TH</sup> 1601 LIBERTY 1603 LIBERTY  
1609 LIBERTYCurrent Zoning: R-2 TWO FAMILY RESIDENCE DISTRICTRequested Zoning: C-4 RESTRICTED CENTRAL BUSINESS DISTRICTProposed Use: CARPET SALES + PAD STORAGEName of Owner: WILLIAM P. + DELANIA R. SIEBENMORGENAddress of Owner: 1106 S. BROWN AVEPhone Number of Owner: 812-232-6503

Attorney Representing Owner (if any): \_\_\_\_\_

Address of Attorney: \_\_\_\_\_

Phone Number of Attorney: \_\_\_\_\_

For Information Contact: \_\_\_\_\_

Council Sponsor: JOHN MULLICAN**\*COPY OF SITE PLAN MUST ACCOMPANY THIS APPLICATION**

## SPECIAL ORDINANCE NO. 13, 2010

CITY CLERK

An Ordinance Amending Chapter 10, of the Terre Haute City Code, Zoning and Subdivision Regulations, as adopted by General Ordinance No. 10, 1999 as Amended entitled "An Ordinance Adopting And Enacting A Code Of Ordinances For The City Of Terre Haute, Indiana; Establishing the same; Providing For The Repeal Of Certain Ordinances Not Included Therein, Except As Herein Provided; Providing For The Manner of Amending Such Code Of Ordinances; Providing A Penalty For Violations Thereof; Providing When This Ordinance Shall Become Effective And Officially Adopting The Terre Haute City Code, And Passing Ordinances Addressing Fees, Fines And Regulations".

Be it ordained by the Common Council of the City of Terre Haute, Indiana, as follows:

SECTION I. That Chapter 10, of the Terre Haute City Code, known and referred to as "The Comprehensive Zoning Ordinance for Terre Haute" of General Ordinance No. 10, 1999, effective December 10, 1999, Section 10-121, thereof, District Maps, is hereby amended to read as follows:

The North 1/2 of the West 1/2 of the Middle 1/3 of Lot No. 8 in M. A. Jewett's Subdivision Number 2 of Eutaw Farm, according to the recorded plat of said Subdivision in the City of Terre Haute.

ALSO

The East half (1/2) of the middle third (1/3) of Lot Number eight (8) and ten (10) feet off the west side of fifty (50) feet off the east side of said Lot number eight (8), in Jewett's Subdivision Number Two (2) of Eutaw Farm, in the City of Terre Haute.

ALSO

The South half (1/2) of the West half (1/2) of the middle third (1/3) of Lot Number eight (8) in M. A. Jewett's Subdivision Number two (2) of Eutaw Farm, according to the recorded Plat of said Subdivision in the City of Terre Haute.

Said West 1/2 of the Middle 1/3 of said Lot 8 runs North and South the entire length of said Lot 8 fronting North on Liberty Avenue 25 feet and bounded on the West by 16th Street as now opened, and on the South by an alley 16 feet in width as designated on said recorded plat.

Commonly known as 1601 & 1603 Liberty Avenue, Terre Haute, IN 47807

ALSO

The North 1/2 of the East 1/2 of the Middle 1/3 of Lot No. 8 in M. A. Jewett's Subdivision Number 2 of Eutaw Farm, according to the recorded plat of said Subdivision in the City of Terre Haute.

Commonly known as 333-339 North 16th Street, Terre Haute, IN 47807

ALSO

Jewett's 2nd Subdivision 40' East Side

Commonly know as 1609 Liberty Avenue, Terre Haute, IN 47807

Be and the same is hereby established as an C-4 Restricted Central Business District, together with all rights and privileges that may inure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise.

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of the City of Terre Haute, and its approval by the Mayor and publication as by law provided.

Presented by Council Member, \_\_\_\_\_  
John Mullican, Councilperson

Passed in open Council this \_\_\_\_\_ day of \_\_\_\_\_, 2010

\_\_\_\_\_  
Neil Garrison, President

ATTEST: \_\_\_\_\_  
Charles P. Hanley, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Charles P. Hanley, City Clerk

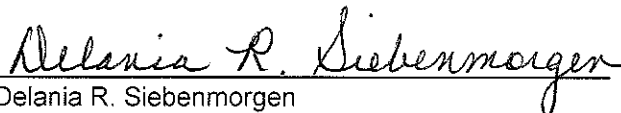
Approved by me, the Mayor of the City of Terre Haute, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
Duke A. Bennett, Mayor

ATTEST: \_\_\_\_\_  
Charles P. Hanley, City Clerk

This instrument prepared by Delania R. Siebenmorgen 1106 So. Brown Avenue  
Terre Haute, IN 47803

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each social  
security number in this document, unless required by law.

  
\_\_\_\_\_  
Delania R. Siebenmorgen

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, William P. Siebenmorgen and Delania R. Siebenmorgen, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

The North 1/2 of the West 1/2 of the Middle 1/3 of Lot No. 8 in M. A. Jewett's Subdivision Number 2 of Eutaw Farm, according to the recorded plat of said Subdivision in the City of Terre Haute.

ALSO

The East half (1/2) of the middle third (1/3) of Lot Number eight (8) and ten (10) feet off the west side of fifty (50) feet off the east side of said Lot number eight (8), in Jewett's Subdivision Number Two (2) of Eutaw Farm, in the City of Terre Haute.

ALSO

The South half (1/2) of the West half (1/2) of the middle third (1/3) of Lot Number eight (8) in M. A. Jewett's Subdivision Number two (2) of Eutaw Farm, according to the recorded Plat of said Subdivision in the City of Terre Haute.

Said West 1/2 of the Middle 1/3 of said Lot 8 runs North and South the entire length of said Lot 8 fronting North on Liberty Avenue 25 feet and bounded on the West by 16th Street as now opened, and on the South by an alley 16 feet in width as designated on said recorded plat.

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Commonly known as 333-339 North 16th Street, Terre Haute, IN 47807

ALSO

Jewett's 2nd Subdivision 40' East Side.

Commonly known as 1609 Liberty Avenue, Terre Haute, IN 47807

Your petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana" the above-described real estate is now zoned as R-2 Two Family Residence District.



Your petitioner would respectfully state that the real is now a Carpet Sales and Cleaning Co. and storage of padding. Your petitioner intends to use the real estate to house Carpet Sales and Cleaning Co. and storage of padding.

Your petitioner would request that the real estate described herein shall be zoned as a C-4 Restricted Central Business District. Your petitioner would allege that the C-4 Restricted Central Business District would not alter the general characteristics of this neighborhood.

Your petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning Ordinance of the City of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for the Terre Haute, Indiana," and declaring the above-described real estate to be part of the C-4 Restricted Central Business District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, This petition has been duly executed this 12<sup>th</sup> day of APRIL, 2010.

  
BY: William P. Siebenmorgen  
  
BY: Delania R. Siebenmorgen

PETITIONER: William P. & Delania R. Siebenmorgen 1106 S. Brown Avenue,  
Terre Haute, IN 47803

AFFIDAVIT OF:

COMES NOW affiant William P. & Delania R. Siebenmorgen

and affirms under penalty of law that affiant is the owner of record of the properly located  
at 333-339 North 16th, 1601 Liberty Avenue, 1603 Liberty Avenue, & 1609 Liberty Avenue  
for which a rezoning is requested and hereto a copy of the deed is attached evidencing such  
ownership.

I affirm under penalty for perjury, that the foregoing representations are true.

William P. Siebenmorgen & Delania R. Siebenmorgen

SIGNATURE

Wm. P. Siebenmorgen

SIGNATURE

Delania R. Siebenmorgen

STATE OF INDIANA

SS: (COUNTY OF VIGO)

Personally appeared before me, a Notary Public in and for

said County and State, Vigo, Indiana

who acknowledges the execution of the above and foregoing, after being duly sworn upon his  
oath and after having read this Affidavit.

WITNESS my hand and notarial seal, this 12<sup>th</sup> day of April, 2010

Notary Public:

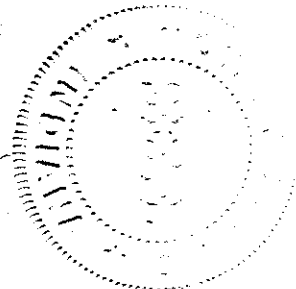
Jamara L. Blum

My Commission Expires:

July 29, 2015

My County of Residence:

Vigo



96 111 2982

QUITCLAIM DEED

426/631

THIS INDENTURE WITNESSETH, that Marjorie J. Harrison, individually, and as attorney-in-fact for Kathleen J. Miller, pursuant to Power of Attorney dated April 27, 1989 and recorded in Miscellaneous Book Record \_\_\_\_\_, Page \_\_\_\_\_, Recorder's Office of Vigo County, Indiana, of Forsyth County, State of North Carolina; Albert H. Siebenmorgen and William H. Siebenmorgen, of Vigo County, State of Indiana, as tenants in common, ("Grantors"), RELEASES AND QUITCLAIMS to William P. Siebenmorgen and Delana Siebenmorgen, husband and wife, whose address is 1106 South Brown Avenue, Terre Haute, County of Vigo, State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana:

The North 1/2 of the West 1/2 of the Middle 1/3 of Lot No. 8 in M. A. Jewett's Subdivision Number 2 of Eutaw Farm, according to the recorded plat of said Subdivision in the City of Terre Haute.

## ALSO

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Said West 1/2 of the Middle 1/3 of said Lot 8 runs North and South the entire length of said Lot 8, fronting North on Liberty Avenue 25 feet and bounded on the West by 16th Street as now opened, and on the South by an alley 16 feet in width as designated on said recorded plat.

Grantors certify that Grantor Kathleen J. Miller is not one and the same person as the Kathleen Miller or Kathleen J. Miller listed in the Notices of Federal Tax Lien under Internal Revenue Laws recorded in Lien Record 6 Page 980 and Lien Record 7 Pages 391 and 392, Recorder's Office of Vigo County.

DULY ENTERED FOR TAXATION

*May 26 1991*  
*Kenneth A. Thomas*  
 Auditor Vigo County



531

426/631

IN WITNESS WHEREOF, Grantors have executed this Quitclaim Deed this 23<sup>rd</sup> day of March, 1991.

Marjorie J. Harrison [SEAL]  
Marjorie J. Harrison  
Marjorie J. Harrison as Attorney-in-Fact for Kathleen J. Miller [SEAL]  
Marjorie J. Harrison, as Attorney-in-Fact  
for Kathleen J. Miller

Albert H. Siebenmorgen [SEAL]  
Albert H. Siebenmorgen  
William H. Siebenmorgen [SEAL]  
William H. Siebenmorgen

STATE OF INDIANA )  
COUNTY OF VIGO )

Before me, a Notary Public in and for and a resident of said County and State, personally appeared Marjorie J. Harrison, individually, and as attorney-in fact for Kathleen J. Miller, Albert H. Siebenmorgen and William H. Siebenmorgen, who acknowledged the execution of the above and foregoing Quitclaim Deed and who, being first duly sworn, stated that any representations contained therein are true.

WITNESS my hand and Notarial Seal this 23<sup>rd</sup> day of March, 1991.

Diana L. Bell  
Notary Public

MY COMMISSION EXPIRES:

SEPT 6 1992

This instrument prepared by:  
Attorney David H. Goeller  
333 Ohio St., P. O. Box 800  
Terre Haute, IN. 47808

PRINTED: DIANA L. BELL

COUNTY OF RESIDENCE: Vigo Co. Ind.

Mail tax statements to:  
333 NORTH 16TH STREET  
TERRE HAUTE, INDIANA  
47807

RECEIVED FOR RECORD THE 26 DAY OF March AT 3:00 O'CLOCK P.M.  
RECORD 426 PAGE 631 JUDITH ANDERSON, RECORDER

95 005 12966

## WARRANTY DEED

315/1

THIS INDENTURE WITNESSETH, that Marjorie J. Harrison, individually, and as attorney-in-fact for Kathleen J. Miller, pursuant to Power of Attorney dated April 27, 1989 and recorded in Miscellaneous Book Record \_\_\_\_\_, Page \_\_\_\_\_, Recorder's Office of Vigo County, Indiana, of Forsyth County, State of North Carolina; Albert H. Siebenmorgen and William H. Siebenmorgen, of Vigo County, State of Indiana, as tenants in common, ("Grantors"), CONVEY AND WARRANT to William P. Siebenmorgen and Delana Siebenmorgen, husband and wife, whose address is 1106 South Brown Avenue, Terre Haute, County of Vigo, State of Indiana, for the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, the following described real estate located in Vigo County, in the State of Indiana:

The North 1/2 of the East 1/2 of the Middle 1/3 of Lot No. 8 in M. A. Jewett's Subdivision Number 2 of Eutaw Farm, according to the recorded plat of said Subdivision in the City of Terre Haute.

IN WITNESS WHEREOF, Grantors have executed this Warranty Deed this 15th day of Nov., 1990.

Marjorie J. Harrison [SEAL]  
Marjorie J. Harrison

Marjorie J. Harrison as Attorney-in-Fact  
Kathleen J. Miller [SEAL]  
Marjorie J. Harrison, as Attorney-in-Fact  
for Kathleen J. Miller

DULY ENTERED FOR TAXATION

NOV 19 1990

Harold R. Jones  
Auditor Vigo County

Albert H. Siebenmorgen [SEAL]  
Albert H. Siebenmorgen

William H. Siebenmorgen [SEAL]  
William H. Siebenmorgen

STATE OF INDIANA )  
                          ) SS  
COUNTY OF VIGO )

Before me, a Notary Public, in and for and a resident of said County and State, personally appeared Marjorie J. Harrison, individually, and as attorney-in fact for Kathleen J. Miller, Albert H. Siebenmorgen and William H. Siebenmorgen, who acknowledged the execution of the above and

foregoing Warranty Deed and who, being first duly sworn, stated that any representations contained therein are true.

WITNESS my hand and Notarial Seal this 15<sup>th</sup> day of Nov. 1982.

MY COMMISSION EXPIRES:

PRINTED: Joseph D. Waddell

COUNTY OF RESIDENCE: Marion

This instrument prepared by:  
Attorney David H. Goeller  
333 Ohio St., P. O. Box 1567  
Terre Haute, IN. 47808

Mail tax statements to:

333 No. 16<sup>th</sup> STREET  
TERRE HAUTE, INDIANA

RECEIVED FOR RECORD THE 20 DAY OF Nov 1982 AT 2:00 O'CLOCK PM  
RECORD 425 PAGE 315 JUDITH ANDERSON, RECORDER

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**SPECIAL MESSAGE TO PROPERTY OWNER**

Your property taxes are capped at 1.5% of property value for homes, 2.5% for other residential property and farmground, and 3.5% for all other property. In 2010, these caps will be fully phased in at 1%, 2%, and 3%. State relief is given in the form of a credit (line 4a) for 2007-2008, and a reduced rate (line 3a and table 3) and supplemental deduction (line 2b) in 2009.

**HOW YOUR PROPERTY TAX BILL IS CALCULATED****Taxpayer Name****Address****Date of Notice****Parcel Number****Taxing District**

TS1 21289  
TERRE HAUTE CARPET CLEANING RUG  
CO  
333 N 16TH ST  
TERRE HAUTE IN 47807-2804

1609 LIBERTY AVE  
TERRE HAUTE IN  
47807

7/7/2009

84-06-22-279-004.000-002

TERRE HAUTE  
CITY/HARRIS  
N TOWN

**Legal Property Description**

JEWETTS 2ND SUB 40' E

Other Charges (refer to Table 4): \$0.00  
Delinquent Tax and Penalties: \$0.00  
PREPAYMENTS: \$0.00

**TABLE 1: SUMMARY OF YOUR TAXES**

TAX SUMMARY ITEM	2007	2008	2009
<b>1. Gross assessed value of property</b>			
1a. Gross assessed value of land	\$3,900	\$4,200	\$4,000
1b. Gross assessed value of improvements	\$0	\$0	\$0
<b>2. Equals total gross assessed value of property</b>	<b>\$3,900</b>	<b>\$4,200</b>	<b>\$4,000</b>
2a. Minus deductions (see table 5 below)	\$0	\$0	\$0
2b. Minus new State supplemental deduction (see table 5 below)	\$0	\$0	\$0
<b>3. Equals subtotal of net assessed value of property</b>	<b>\$3,900</b>	<b>\$4,200</b>	<b>\$4,000</b>
3a. Multiplied by your local tax rate	3.9149	3.9965	3.6348
<b>4. Equals gross tax liability (see table 3 below)</b>	<b>\$152.68</b>	<b>\$167.86</b>	<b>\$145.40</b>
4a. Minus State property tax	\$-35.52	\$-34.30	\$0.00
4b. Minus Local tax relief	\$0.00	\$0.00	\$0.00
4c. Minus savings due to property tax cap (information on cap found in Table 2 below)	\$0.00	\$0.00	\$-5.40
4d. Minus savings due to 65 years & older	\$0.00	\$0.00	\$0.00
<b>5. Total property tax liability</b>	<b>\$117.16</b>	<b>\$133.56</b>	<b>\$140.00</b>

Please see Table 4 for a summary of other charges to this property.

**TABLE 2: PROPERTY TAX CAP INFORMATION**

Property tax cap (equal to 1.5%, 2.5%, or 3.5% of Line 2, depending upon type of property)	\$0.00	\$0.00	\$140.00
Adjustment to cap due to voter-approved projects and charges <sup>1</sup>	\$0.00	\$0.00	\$0.00
<b>Maximum tax that may be imposed under cap</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$140.00</b>

**TABLE 3: GROSS PROPERTY TAX DISTRIBUTION AMOUNTS APPLICABLE TO THIS PROPERTY**

TAXING AUTHORITY	TAX 2007	TAX 2008	TAX 2009	TAX DIFFERENCE 2007-2008	PERCENT DIFFERENCE	TAX DIFFERENCE 2008-2009	PERCENT DIFFERENCE
STATE	\$0.88	\$0.96	\$0.00	\$0.08	9.09%	\$-0.96	-100%
COUNTY	\$28.34	\$28.04	\$28.43	\$-0.30	-1.06%	\$0.39	1.39%
TOWNSHIP	\$1.51	\$1.70	\$1.91	\$0.19	12.58%	\$0.21	12.35%
SCHOOL DISTRICT	\$49.01	\$56.31	\$31.27	\$7.30	14.89%	\$-25.04	-44.47%
CITY	\$57.52	\$62.60	\$64.44	\$5.08	8.83%	\$1.84	2.94%
LIBRARY	\$4.39	\$4.84	\$5.41	\$0.45	10.25%	\$0.57	11.78%
TAX INCREMENT	\$0.00	\$0.00	\$0.00	\$0.00	3.95%	\$0.00	0%
SPECIAL DISTRICT	\$11.03	\$13.41	\$13.94	\$2.38	21.58%	\$0.53	0%
	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	0%
	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	0%
	\$0.00	\$0.00	\$0.00	\$0.00	0%	\$0.00	0%
<b>TOTAL</b>	<b>\$152.68</b>	<b>\$167.86</b>	<b>\$145.40</b>	<b>\$15.18</b>	<b>9.94%</b>	<b>\$-22.46</b>	<b>-13.38%</b>

The tax rate for each unit is equal to the gross property tax for that unit divided by the net assessed value for a given year.

**TABLE 4: OTHER CHARGES TO THIS PROPERTY**

LEVYING AUTHORITY	2007	2008	2009
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**TABLE 5: DEDUCTIONS APPLICABLE TO THIS PROPERTY<sup>2</sup>**

TYPE OF DEDUCTION	2007	2008	2009
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TOTAL ADJUSTMENTS 0.00 0.00 0.00 TOTAL DEDUCTIONS 0 0 0

Charges not subject to the property tax cap include property tax levies approved by voters through referendum. In Lake County and St. Joseph County, this line also reflects debt obligations incurred prior to the creation of property tax caps. When added to the base property tax cap amount for your property, this creates the effective tax cap rate. For more information, see the back of this document. If any circumstances have changed that would make you ineligible for a deduction that you have been allowed in the deductions table on this document.

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16<sup>TH</sup> STREET

LIBERTY AVENUE

1601

1603

333-339

ALLEY